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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

QUANTUM STREAM INC.,	:	<b>ECF CASE</b>
	:	
Plaintiff,	:	Civil Action No. 15-cv-8240
	:	
v.	:	
	:	
DIRECTV, LLC,	:	
	:	
Defendant.	:	
	:	
	x	

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**COMPLAINT AND DEMAND FOR TRIAL BY JURY**

Plaintiff, Quantum Stream Inc., for its complaint, hereby alleges as follows:

**THE PARTIES**

1. Plaintiff Quantum Stream Inc. (“Quantum Stream”) is a corporation organized and existing under the laws of the State of Delaware, having its principal place of business at 780 3rd Avenue, 12th Floor, New York, New York 10017.

2. Upon information and belief, Defendant DIRECTV, LLC (“DIRECTV”) is a Delaware corporation, having its principal place of business at 2230 E. Imperial Highway, E Segundo, California 90245.

3. Upon information and believe, DIRECTV has a corporate office at 1 Rockefeller Plaza, New York, New York 10020.

4. Defendant DIRECTV is a provider of digital television entertainment services throughout the United States and, upon information and belief, has numerous customers in this judicial district.

### **JURISDICTION AND VENUE**

5. Subject matter jurisdiction is conferred upon this Court under 28 U.S.C. § 1338(a) because this is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. §§ 1 *et seq.*

6. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391(b), 1391(c), and 1400(b).

7. Personal Jurisdiction over DIRECTV exists because DIRECTV has a corporate office in this judicial district, has committed acts of patent infringement as alleged in the Complaint in this judicial district, and has minimum contacts with this forum through its sale, offer for sale, and use of systems to provide advertisements for inclusion in digital television and/or video-on-demand in this judicial district in violation of Quantum Stream's patent rights.

### **BACKGROUND**

#### **The Patents-In-Suit**

8. United States Patent No. 9,047,626 ("the '626 Patent"), entitled "Content Distribution System and Method," was duly and lawfully issued on June 2, 2015, based upon an application filed by inventor, Tayo Akadiri. A copy of the '626 Patent is attached as Exhibit A.

9. The owner of the '626 Patent, by assignment is Quantum Stream, which has the exclusive right to sue and to recover damages for infringement of the '626 Patent.

10. United States Patent No. 9,117,228 ("the '228 Patent"), entitled "Content Distribution System and Method," was duly and lawfully issued on August 25, 2015, based upon

an application filed by inventor, Tayo Akadiri. A copy of the '228 Patent is attached as Exhibit B.

11. The owner of the '228 Patent, by assignment, is Quantum Stream, which has the exclusive right to sue and to recover damages for infringement of the '228 Patent.

**DIRECTV's Infringing Systems**

12. DIRECTV operates systems that provide DIRECTV customers with digital television entertainment services. Upon information and belief, these systems include servers, satellite dishes, and receivers/set-top boxes.

13. DIRECTV offers a large selection of digital channels, which provide digital video content, including digital video programs. *See* [https://support.directv.com/app/answers/detail/a\\_id/1590](https://support.directv.com/app/answers/detail/a_id/1590).

14. Upon information and belief, DIRECTV's receivers/set-top boxes used in connection with its digital entertainment services and systems include Genie receivers, HD DVR receivers, TiVo receivers, DVR receivers, Genie Lite receivers, HD receivers, and Standard receivers. *See* [http://www.directv.com/technology/genie\\_receiver?ACM=false&lpos=Header:3](http://www.directv.com/technology/genie_receiver?ACM=false&lpos=Header:3).

15. Upon information and belief, in connection with its digital entertainment services, DIRECTV's systems allow for addressable advertising in order to target advertisements to its customers, which is described in at least the following articles:

- *DIRECTV: The Power of Precision*, ADWEEK, Dec. 1, 2014, <http://www.adweek.com/sa-article/directv-power-precision-161659>;
- *The CMO's Guide to Addressable TV Advertising*, Advertising Age, Feb. 19, 2014, <http://adage.com/article/cmo-strategy/cmo-s-guide-addressable-tv-advertising/291728/>; <http://www.invidi.com/media15.html>;

- *Cable Companies Mining Viewer Data For Targeted Ads*, Reuters, Posted June 27, 2013, updated August 27, 2013, [http://www.huffingtonpost.com/2013/06/27/cable-companies-targeted-ads-data\\_n\\_3507487.html](http://www.huffingtonpost.com/2013/06/27/cable-companies-targeted-ads-data_n_3507487.html);
- *DirecTV Plans National Addressable Ad Rollout, Expands INVISION Partnership*, *TVexchanger.com*, Mar. 16, 2012, <http://www.tvexchanger.com/targeted-tv-news/directv-plans-national-addressable-ad-rollout-expands-invision-partnership/>;
- and
- *Targeted TV Ads Set for Takeoff, DirecTV to Pioneer Commercials Keyed to Each Household; Concerns About Privacy, Technology Linger*, *The Wall Street Journal*, Dec. 20, 2010, <http://www.wsj.com/articles/SB10001424052748704226504576029871779927478>.

16. DIRECTV sells and/or offers to sell addressable advertising services to advertisers.

17. DIRECTV's addressable advertising used to target advertising to its customers is also described in DIRECTV's materials, including "DIRECTV 2015 Media Kit," [http://cdn.directv.com/cms3/special\\_projects/ad\\_sales\\_microsite/DIRECTV\\_Ad\\_Sales\\_Media\\_Kit.pdf](http://cdn.directv.com/cms3/special_projects/ad_sales_microsite/DIRECTV_Ad_Sales_Media_Kit.pdf).

18. The DIRECTV 2015 Media Kit describes DIRECTV's addressable advertising system as follows:

- "Now use TV to target the households that are right for your brand with DIRECTV Ad Sales."
- "Reach the right customers at the right time. Powered by big data that changes along with people's needs, we're always equipped with the tools to find your ideal

audience. We'll do all the heavy lifting before we deliver your message nationwide at scale, reaching the best audience every time—in real time.”

- “Get a tailor-made campaign. Once we identify the members of your ideal audience, we'll sample over five million household profiles to determine the best ways to reach them. And we will work hand in hand with leading data firms to recommend the solutions you need to effectively reach your audience. Whatever your brand needs, DIRECTV Ad Sales has you covered.”
- “Reach over 20 million of America's most desirable households with DIRECTV's exclusive advertising solutions.”
- “Addressable Pinpoint and reach only your ideal audience with the largest national addressable platform.”
- “Reach the audience you want. Without paying for the ones you don't. Combine the power of your 30-second TV ad with the precision targeting of digital.”
- “DIRECTV Addressable Advertising is a sophisticated, industry-leading digital technology that reaches your target audience at the household level via the world's most powerful medium: television. And since it's the largest national platform of its kind, your ad is delivered with precision at scale.”
- “100% reach. Zero waste. DIRECTV Addressable Advertising ensures that your message finds the best data-qualified households every time—instead of leaving that to chance. It's the most efficient buy you can get.”
- “Target. Win. And win again. How do you keep up with your audience's changing priorities? As our viewers' needs change, so do their addressable profiles. So you're

always targeting based on up-to-the-minute data. That's why 91% of our clients return for additional campaigns."

- "Reach your audience in powerful roadblock fashion. Run your ad on the most popular, demographically targeted networks for maximum impact."
- "Supercharge your cluster with addressable. Complement your DIRECTV Targeted Cluster buy with a DIRECTV Addressable Advertising buy to guarantee maximum reach and increased frequency against your best prospects."

[http://cdn.directv.com/cms3/special\\_projects/ad\\_sales\\_microsite/DIRECTV\\_Ad\\_Sales\\_Media\\_Kit.pdf](http://cdn.directv.com/cms3/special_projects/ad_sales_microsite/DIRECTV_Ad_Sales_Media_Kit.pdf).

19. Upon information and belief, DIRECTV has used its systems to provide targeted ads to be included in DIRECTV digital video content as detailed in the following case studies listed in "Appendix: Case Studies," to the DIRECTV 2015 Media Kit:

- "Retail sales explosion. When a famous toy maker needed to boost sales among families with children aged 0-6, they relied on DIRECTV Addressable Advertising to pinpoint and reach them."
- "High-speed success. How did a leading luxury automaker reach households in the market for a new car? By finding and reaching them through their consumer profiles and DIRECTV Addressable Advertising."
- "A tastier bottom line. To increase sales among weight-conscious females, a popular food brand was able to reach them—and only them—using DIRECTV Addressable Advertising."
- "More viewers, higher ratings. A popular movie channel needed the premiere of their new show to be a ratings sensation. They relied on DIRECTV Addressable

Advertising to target their audience with exceeding granularity. The result? Ratings liftoff.”

- “A clean sales lift. To increase sales in households with specific demographics, one of the most popular CPG companies turned to DIRECTV Addressable Advertising for unparalleled accuracy;”
- “An A-list sales boost. When the top premium network needed a subscriber boost among adults 26-55, they relied on DIRECTV Addressable Advertising.”
- “Driving them to buy. How did a leading automaker find serious traction with in-market customers? By relying on the precision targeting of DIRECTV Addressable Advertising to lead them to a custom-made interactive DIRECTV experience.”

[http://cdn.directv.com/cms3/special\\_projects/ad\\_sales\\_microsite/DIRECTV\\_Ad\\_Sales\\_Media\\_Kit.pdf](http://cdn.directv.com/cms3/special_projects/ad_sales_microsite/DIRECTV_Ad_Sales_Media_Kit.pdf).

### **FIRST CLAIM FOR RELIEF**

#### **Patent Infringement Of United States Patent No. 9,047,626**

20. Plaintiff repeats and realleges the preceding allegations as if restated in full here.

21. Upon information and belief, DIRECTV has been and is directly infringing, either literally or under the doctrine of equivalents, the ‘626 Patent by making, using, offering to sell, and/or selling content distribution systems that include consumer device(s) and server interface(s), which provide video content and addressable advertising that meet all of the limitations of one or more claims of the ‘626 Patent in violation of 35 U.S.C. § 271(a), in this District and elsewhere within the United States, without authority.

22. Quantum Stream has been damaged by the infringement of the ‘626 Patent by DIRECTV and is suffering, and will continue to suffer, irreparable harm and damage as a result of this infringement unless such infringement is enjoined by this Court.

**SECOND CLAIM FOR RELIEF**

**Patent Infringement Of United States Patent No. 9,117,228**

23. Plaintiff repeats and realleges the preceding allegations as if restated in full here.

24. Upon information and belief, DIRECTV has been and is directly infringing, either literally or under the doctrine of equivalents, the '228 Patent by making, using, offering to sell, and/or selling content distribution systems for targeting digital video advertisements to consumers that include server(s) and consumer device(s), which provide video content and addressable advertising that meet all of the limitations of one or more claims of the '228 Patent in violation of 35 U.S.C. § 271(a), in this District and elsewhere within the United States, without authority.

25. Quantum Stream has been damaged by the infringement of the '228 Patent by DIRECTV and is suffering, and will continue to suffer, irreparable harm and damage as a result of this infringement unless such infringement is enjoined by this Court.

**REQUESTED RELIEF**

WHEREFORE, Quantum Stream demands judgment as follows:

- A. A finding that DIRECTV has infringed one or more claims of the '626 Patent;
- B. A finding that DIRECTV has infringed one or more claims of the '228 Patent;
- C. A permanent injunction enjoining DIRECTV, its officers, agents, servants, employees, and attorneys, and all persons acting in concert or participation with any of them from infringing the '626 Patent and the '228 Patent;
- D. An award of damages under 35 U.S.C. § 284 (or as otherwise permitted by law) adequate to compensate Quantum Stream for the infringement by DIRECTV along with prejudgment and postjudgment interest;



E. An award of Quantum Stream's costs and attorney fees and expenses pursuant to 35 U.S.C. § 285 or as otherwise permitted by law; and

F. An award of such other costs and further relief that this Court determines to be just and equitable.

**DEMAND FOR TRIAL BY JURY**

Pursuant to Fed. R. Civ. P. 38(b), Quantum Stream hereby demands a jury trial on all issues so triable.

Respectfully submitted,

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*Attorneys for Plaintiff Quantum Stream Inc.*

Dated: October 20, 2015

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**CERTIFICATION PURSUANT TO LOCAL CIVIL RULE 1.6(a)**

The undersigned hereby certifies, pursuant to Local Civil Rule 1.6(a), that with respect to the matter in controversy herein, neither Plaintiff Quantum Stream Inc. nor its attorneys are aware of any other action pending in any court, or of any pending arbitration or administrative proceeding, to which this matter is subject.

LERNER, DAVID, LITTENBERG,  
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Dated: October 20, 2015

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